

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:13CR58HEA(SPM)
	)	
JEFFERY ELLERBECK,	)	
	)	
Defendant.	)	

ORDER CONCERNING PRETRIAL MOTIONS

IT IS HEREBY ORDERED that forthwith the government shall give notice to the defendant of its intention to use specific evidence at trial pursuant to Rule 12(b)(4), Federal Rules of Criminal Procedure.

IT IS FURTHER ORDERED that forthwith each party may propound to the opposing party, and may file with the court, any request for pretrial disclosure of evidence or information. Not later than February 27, 2013, the parties shall respond to any such requests for pretrial disclosure of evidence or information and may file with the court a copy of any such response. To avoid a proliferation of documents, to the extent practicable, all such requests for disclosure and the responses thereto shall be contained in one request document or in one response document, with each separate item of information or evidence discussed being a subpart of said document.

IT IS FURTHER ORDERED that not later than March 13, 2013, the parties may file any relevant pretrial motion(s) and the parties shall respond to any such motions within five (5) days thereafter.

IT IS FURTHER ORDERED that any pretrial motion seeking a court order to compel the production of evidence or information from the opposing party, and each motion to suppress evidence, shall contain a statement of counsel that movant's counsel has personally conferred with counsel for the opposing party about the issue(s) raised in the motion(s), that there is a good faith belief that the information or evidence exists about which discovery is sought or which the defendant seeks to have suppressed, and (for motions for disclosure) that the disclosure of said information or evidence has been refused by the opposing party. Any such motion not having such attestation will not be considered or ruled by the Court.

IT IS FURTHER ORDERED that any motion to suppress shall set forth, with particularity, the items(s) of evidence to which the motion is addressed, and shall set forth specific factual details to support any claim that such evidence was unlawfully obtained. Any motion to suppress not containing such specific information or any motion cast in conclusory or conjectural terms will not be heard or considered by the Court. Each motion to suppress must be accompanied by a memorandum of law setting forth the specific legal ground upon which it is contended that any such item of evidence was unlawfully obtained, with citations to authority.

IT IS FURTHER ORDERED that if the defendant chooses not to file any pretrial motions, counsel for the defendant shall file with the Court, not later than March 13, 2013, a Notice of Intent to Waive the Filing of Pretrial Motions. This memorandum shall attest

that there are no issues that the defendant wishes to raise by way of pretrial motion; that counsel has personally discussed this matter with the defendant; and that the defendant agrees and concurs in the decision not to raise any issues by way of pretrial motion.

IT IS FURTHER ORDERED that all deadlines set forth in this order include weekend days and holidays. However, if a due date falls on a weekend or holiday, the due date for compliance shall be the next work day.

IT IS FURTHER ORDERED that all pretrial pleadings henceforth filed in this case shall include the initials of the Magistrate Judge under the case number.

IT IS FURTHER ORDERED that a pretrial hearing including an evidentiary hearing on any pretrial motions or a hearing on the waiver or withdrawal of motions is set for March 19, 2013 at 9:30 A.M. before the undersigned United States Magistrate Judge. The defendant is required to be present at the hearing.

No extension time of any deadline set in this order will be granted except upon written motion, made before the expiration of the deadline, and upon good cause shown. Failure to timely file motions or requests, or to request an extension of time to do so, will be considered a waiver of the right of a party to make such motions or requests, as set out in Rule 12(e), Federal Rules of Criminal Procedure.

/s/Shirley Padmore Mensah  
SHIRLEY PADMORE MENSAH  
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of February, 2013.